IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1443 OF 2006

Smt. Saroj Subash Yadav ....Applicant.

V/s

The State of Maharashtra .....Respondent.

Mr. S.K. Keswani for the applicant.
Ms. M.M. Deshmukh for the respondent.

CORAM: V.M. KANADE, J.

DATE: 27th April, 2006

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R. No. 34 of 2006 registered at Nehru Nagar Police Station for the offence punishable under section 302 read with section 34 of the Indian Penal Code.

3. There was a dispute between the complainant's father and the other co-accused and, at that time, the applicant and the other co-accused assaulted the father of the complainant with fist blows and kick blows and, subsequently, he died. The postmortem notes indicate that he died due to rupture of the spleen and other multiple injuries. The applicant is

the sister of accused No.1 Manish Yadav and she is in custody since 31/1/2006.

4. In my view, prima facie case is made out by the applicant for grant of bail. The incident, it appears that, had taken place at the spur of the moment. The accused who was on a bicycle had dashed the complainant's father and therefore there was a quarrel. The applicant who is the sister of accused No.1 had also allegedly given fist blows to the deceased. Prima facie, it appears that there was no intention of committing the murder of the deceased. The injuries, therefore, even otherwise are not sufficient in the ordinary course of nature to cause death. Under these circumstances, the applicant is entitled to be released on bail.

5. The applicant, therefore, be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. The applicant shall report to the concerned Police Station once in two months. The applicant shall not tamper with the evidence or threaten any of the witnesses.

6. The trial Court shall not be influenced by any observation made by this Court while deciding this

application and the same may not be construed to mean as an expression of opinion on the merits of the case. The trial court shall decide the case on its own merits and in accordance with law.

7. Application is accordingly disposed of.

V.M. KANADE, J.